REMARKS

The Office Action mailed April 9, 2004, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. § 112, First Paragraph

Claims 17 – 22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claim 17, from which Claims 18 – 22 depend, has been amended to remove reference to a third circuit. While such a circuit would be inherent in the claimed device, which is electronic and by nature would contain all manner of circuits, the reference to the third circuit has been deleted in order to expedite prosecution, with the understanding that such removal is not directed to and does not affect the scope of the Claims.

Rejection(s) Under 35 U.S.C. § 112, Second Paragraph

Claims 17 – 22 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As discussed above, Claim 17 has been amended to remove reference to a third circuit. Claim 17 was further amended to clarify the communications between the base station and transmitters. Such clarification does not narrow the scope of Claim 17 or Claims 18 – 22 dependent therefrom.

Rejection(s) Under 35 U.S.C. § 102 Rejection

Claims 1 – 22 were rejected under 35 U.S.C. § 102(b) as anticipated by Rypinski (U.S. pat. no. 5,461,627).

Claim 1 reads as follows:

> A method of operating a wireless communication system comprising:
>
> in a controller, receiving streaming data contention-window slot assignment requests from streaming transmitter units;
>
> in the controller, assigning contention-window slot numbers to the requesting streaming transmitter units;
>
> in the controller, sending an indication of available contention-window slots to other transmitter units; and
>
> in the other transmitter units, using a randomly selected contention-window slot to begin transmitting, wherein the randomly selected contention-window slot is selected from contention-window slots other than the assigned contention-window slots.

Claim 7 reads as follows:

> A wireless communication system comprising:
>
> a controller adapted to receive streaming data contention-window slot assignment requests from streaming transmitter units, the controller adapted to assign contention-window slot numbers to requesting streaming transmitter units and send an indication of available contention-window slots to other transmitter units;
>
> at least one streaming transmitter unit adapted to begin transmitting in a contention-window time slot assigned by the controller; and
>
> at least one other transmitter unit adapted to begin transmitting in a randomly selected contention-window slot, the randomly selected contention-window slot being selected from contention-window slots other than the assigned contention-window slots, the at least one streaming transmitter unit and at least one other transmitter unit sensing the transmit medium and not beginning to transmit in a contention window if another unit has begun transmitting.

The discussion of the prior art in col. 2 of Rypinski describes a method whereby a base station announces to all transmitters that a slot will be available or reserved. An available slot can be used by a transmitter, but only if that transmitter also has permission to used it. Permission is acquired through a random number generator which is independent from

transmitter to transmitter.[1] This procedure is a conventional one and is also described in the background section of the present application.

By comparison, the present invention, according to Claim 1, requires:

> *in the controller, assigning contention-window slot numbers to the requesting streaming transmitter units;*
> in the controller, *sending an indication of available contention-window slots to other transmitter units*; and
> in the other transmitter units, using a randomly selected contention-window slot to begin transmitting, *wherein the randomly selected contention-window slot is selected from contention-window slots other than the assigned contention-window slots*. (Emphasis added).

and according to Claim 7, requires:

> *. . . the controller adapted to assign contention-window slot numbers to requesting streaming transmitter units and send an indication of available contention-window slots to other transmitter units*;
> at least one streaming transmitter unit adapted to begin transmitting in a contention-window time slot assigned by the controller; and
> at least one other transmitter unit adapted to *begin transmitting in a randomly selected contention-window slot, the randomly selected contention-window slot being selected from contention-window slots other than the assigned contention-window slots*, the at least one streaming transmitter unit and at least one other transmitter unit sensing the transmit medium and not beginning to transmit in a contention window if another unit has begun transmitting. (Emphasis added).

The presently claimed invention therefore requires assignment of contention-window slot numbers by the controller, and forwarding these to the transmitters. Transmitters to which these assignments are provided can use the assigned slots to transmit. Remaining transmitters then vie for unassigned slots in a random select manner.

[1] Rypinski, col. 2, ll. 52-53.

By comparison, in Rypinski, the controller does not assign contention-window slot numbers. It merely indicates that a slot is available for transmission, at which point the contending transmitters begin vying for that slot by generating, independently of one another, random numbers upon which their access is based.

Further, in Claims 1 and 7 there is a distinction between transmitters, whereby some are assigned slot numbers by the controller, while others vie for remaining unassigned slots. The remaining unassigned slots are identified by controller, and an indication of them is sent to these *other* transmitters. No such distinction is made in Rypinski. All the transmitters in the Rypinski prior art determine their access to slots by generating their own random probabilities, in a conventional manner.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(b) only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.[2] The aforementioned reasons are clearly indicative of the contrary, and withdrawal of the 35 U.S.C. § 102(b) rejection based on Rypinski is respectfully urged.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully solicited.

[2] Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fee, including those necessary to obtain extensions of time to render timely the filing of the instant Reply, or credit any overpayment not otherwise paid or credited, to our deposit account No. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, L.L.P.

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Khaled Shami
Reg. No. 38,745

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 282-1855
Fax. (408) 287-8040